

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,

Plaintiff/Counterclaim Defendant,

v.

Civil Action No. 3:20-cv-00710-MOC-DSC

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD.;
NINGBO YISHANG IMPORT AND
EXPORT CO., LTD.,

Defendants/Counterclaim Plaintiffs.

MOTION FOR CONFIRMATION OF FEBRUARY 20, 2024 TRIAL DATE

Defendants respectfully request confirmation of the trial date in this matter. This case is currently set for trial and appears on the Court's trial calendar for February 20, 2024.

Defendants are prepared to proceed to trial, and in view of the upcoming pretrial deadlines under the Case Management Order, and the necessary planning required to accommodate out-of-state witnesses and counsel, respectfully request confirmation that trial will proceed on or shortly following the February 20, 2024 date.

Defendants further note that the following motions are currently pending on the Court's docket in this case: Plaintiffs Hayward's Motion for Summary Judgment on Claims of Trademark Infringement, False Advertising, Passing-Off, and Unfair Competition (ECF 119); Plaintiff Hayward's Motion for Summary Judgment on Defendants' Trademark Cancellation Counterclaims (ECF 142); Defendants' Motion under Federal Rule 702 to Exclude Testimony of Julie Saitz (ECF 163); Defendants' Motion for Summary Judgment of No False Advertising on

Statements regarding Compatibility and No Lost Profits Damages (ECF 180); Defendants' Motion for Summary Judgment on Plaintiff's Claims with Respect to the Turbo Cell, T-Cell-3, T-Cell-9 and T-Cell-15 Marks (ECF 189); and Plaintiff Hayward's Motion under Rule 702 to Exclude Testimony of Kathleen Grace (ECF 211).

Undersigned counsel conferred with counsel for Plaintiff regarding the relief requested in this Motion, and Plaintiff does not take a position on this motion.

Dated: January 11, 2024

Respectfully submitted,

/s/ Jennifer Seraphine

Jennifer Seraphine (*pro hac vice admitted*)

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2024 the foregoing document was served on all counsel of record using the Court's CM/ECF system, which will send notification of such filing to any CM/ECF participants.

Respectfully submitted,

/s/ Jennifer Seraphine
Jennifer Seraphine